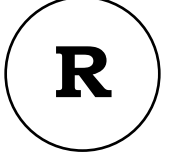




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NC: 2026:KHC:37924
CRL.P No. 5266 of 2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 5266 OF 2026

BETWEEN:

1. MANGALAMMA,
W/O NINGEGOWDA,
AGED ABOUT 51 YEARS,
R/AT THOWTANAHALLI, MALUR HOBLI,
THAVATANAHALLI,
RAMANAGARA - 562 108.
2. CHETHAN T.N.,
S/O NINGAIAH,
AGED ABOUT 35 YEARS,
R/AT THOWTANAHALLI, MALUR HOBLI,
THAVATANAHALLI,
RAMANAGARA - 562 108.
3. N. CHANDAN,
S/O NINGAIAH,
AGED ABOUT 33 YEARS,
R/AT THOWTANAHALLI, MALUR HOBLI,
THAVATANAHALLI,
MOGENAHALLI, CHANNAPATNA,
RAMANAGARA - 562 108.
4. SOWMYA H.S.,
S/O CHETHAN T.N.,
AGED ABOUT 29 YEARS,
R/AT THOWTANAHALLI,





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MALUR HOBLI,
THAVATANAHALLI,
RAMANAGARA - 562 108.

...PETITIONERS

(BY SRI. VINOD N., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY M.K.DODDI PS,
CHANNAPATNA RURAL CIRCLE,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU - 560 001.
2. PRASADHA D.,
S/O DASAIAH,
AGED ABOUT 51 YEARS,
R/AT BEVARU VILLAGE, MALURU HOBLI,
CHANNAPATNA TALUK,
BANGALORE SOUTH - 562 160.

...RESPONDENTS

(BY SMT.WAHEEDA M.M., HCGP FOR R1;
SRI.VENKATESH S DALAWAI, ADVOCATE FOR
SRI.CHANDAN R., ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNNS) PRAYING TO QUASH THE FIR AGAINST THE PETITIONERS I.E ACCUSED NO.1 TO 4 VIDE CR.NO.47/2026 REGISTERED BY THE M.K.DODDI P.S FOR THE OFFENCE P/U/S 303(2) OF BNS PENDING BEFORE SENIOR CIVIL JUDGE AND J.M.F.C COURT CHANNAPATNA (ANNEXURE A AND B).



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THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners are accused Nos.1 to 4, now stand at the doors of this Court calling in question registration of a crime in crime No.47/2026 for offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 ('the BNS' for short).

2. Heard Sri. Vinod N., learned counsel appearing for the petitioners; Smt. Waheeda M.M., learned High Court Government Pleader appearing for respondent No.1 and Sri. Venkatesh S. Dalawai, learned counsel for Sri. Chandan R., learned counsel appearing for respondent No.2.

3. Facts in brief, germane, are as follows:

The complainant admittedly owned two cows. Those cattle, according to him, disappeared not in the recent past, but nearly **twenty-four months** before the complaint came to be lodged. Time marched on in complete silence. Then, in what



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appears to be a twist stranger than fiction, the complainant is said to have ventured out to purchase cattle elsewhere, claims to have chanced upon one cow which, in his perception, resembled his own, instantly concluded that it was the very animal allegedly lost two years earlier, and, without anything more, rushed to the jurisdictional police station to set the criminal law in motion. The Police, with alarming alacrity and without the slightest semblance of preliminary verification, registered crime No.47/2026 on 26.03.2026 alleging theft said to have taken place on 18.08.2024. The haste with which the machinery of criminal law was unleashed is inversely proportional to the delay with which the complaint itself was instituted.

4. The moment the crime was registered, the coercive apparatus of the State swung into motion against the petitioners, branding them as perpetrators of the alleged theft of cattle said to have vanished two years earlier. Faced with the spectre of criminal prosecution founded upon a complaint of such extraordinary vintage, the petitioners were constrained to



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invoke the jurisdiction of this Court, which granted them interim protection.

5. The learned counsel appearing for the petitioners would reiterate the grounds setout in the petition with particular emphasis on the delay of registration of the crime, which is admittedly two years after the alleged incident. The learned counsel would further submit that the incident itself is highly improbable as two cows that the complainant owned go missing two years ago is even today not sure, which are those cows. Only on the ground that when he goes to buy the cows in a market it was doubted that it may be his and therefore, seeks quashment of the entire proceedings.

6. *Per contra*, Sri. Venkatesh S. Dalwai, learned counsel appearing for the complainant would refute the submission in contending that the crime is registered, investigation at least must be permitted to continue, which the registration of the crime itself would go in vain. The petitioners have plethora of remedies once the Police would complete the investigation. Therefore, seeks dismissal of the petition.



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7. Learned High Court Government Pleader would also toe the lines of the learned counsel appearing for the respondent/complainant and would seek dismissal of the petition.

8. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the available on record.

9. The afore-narrated facts lie in a narrow compass. The entire issue has triggered from two cows going missing two years prior to the registration of the complaint, since the entire issue gets triggered from registration of the complaint. I deem it appropriate to notice the gist of the complaint, as obtaining in column No.10:

10. ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯ ವಿವರಗಳು

ದಿನಾಂಕ-26/03/2026 ರಂದು ಸಂಜೆ 6-15 ಗಂಟೆಗೆ ಪಿಯಾದಿ ಪ್ರಸಾದ ಡಿ ಬಿನ್ ಲೇಟ್ ಹೆಚ್ ದಾಸಯ್ಯ ರವರು ರಾಣೆಗೆ ಹಾಜರಾಗಿ ನೀಡಿದ ಲಿಖಿತ ದೂರಿನ ಸಾರಾಂಶವೆಂದರೆ ದಿನಾಂಕ-18/08/2024 ರಂದು ಮಧ್ಯಾಹ್ನ 1-00 ಗಂಟೆಯಲ್ಲಿ ನನ್ನ ಹೊಲ ಸರ್ವೆ ನಂ 399 ರಲ್ಲಿ 02 ಸೀಮೆ ಹಸುಗಳನ್ನು ಮೇಯಲು ಕಟ್ಟಿ ಹಾಕಿ ನಂತರ ಉಟಕ್ಕೆ ಮನೆಗೆ ಬಂದು ಉಟ ಮಾಡಿ ವಾಪಸ್ಸು ಮಧ್ಯಾಹ್ನ ಸುಮಾರು 3-00 ಗಂಟೆಗೆ ಹೊಲದ ಬಳಿ ಹೋಗಿ ನೋಡಲಾಗಿ ನಾನು ಮೇಯಲು ಕಟ್ಟಿ ಹಾಕಿದ್ದ ಸೀಮೆ ಹಸುಗಳು ಕಾಣಿಸಲಿಲ್ಲ. ನಾನು ಅಂದಿನಿಂದ ಪ್ರತಿ ದಿನ ಅಕ್ಕ ಪಕ್ಕದ ಉರುಗಳಲ್ಲಿ



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ಹುಡುಕುತ್ತಾ, ವಿಚಾರ ಮಾಡುತ್ತಿದ್ದು ಅಕ್ಕ ಪಕ್ಕದವರಿಗೂ ಸಹ ಹಸುಗಳು ಕಾಣೆಯಾಗಿರುವ ವಿಚಾರವನ್ನು ತಿಳಿಸಿದ್ದೆನು. ಈಗೀರುವಾಗ ದಿನಾಂಕ-25/03/2026 ರಂದು ತೌಟನಹಳ್ಳಿ ಗ್ರಾಮದ ಹಸುಗಳ ದಲ್ಲಾಳಿ ಶೇಖರ ಎಂಬುವರನ್ನು ವಿಚಾರಿಸಿ ನನ್ನ ಹಸುಗಳ ಫೋಟೋವನ್ನು ತೋರಿಸಿದಾಗ ಫೋಟೋವನ್ನು ನೋಡಿದ ಶೇಖರ ಈ ಹಸುಗಳನ್ನು ನಾನೇ ಮಾರಾಟ ಮಾಡಿಸಿರುತ್ತೇನೆ. ನನಗೆ ತೌಟನಹಳ್ಳಿ, ಗ್ರಾಮದ ಮಂಗಳಮ್ಮ ಕೊಂ ನಿಂಗಯ್ಯ, ಚೇತನ ಬಿನ್ ನಿಂಗಯ್ಯ, ಚಂದನ ಬಿನ್ ನಿಂಗಯ್ಯ, ಮತ್ತು ಸೌಮ್ಯ ಕೊಂ ಚೇತನ ಈ ನಾಲ್ವು ಜನರು ಸೇರಿ ಈ ಎರಡು ಹಸುಗಳನ್ನು ಮಾರಿಸಿಕೊಂಡು ಎಂದು ಕೇಳಿಕೊಂಡಿದ್ದರು. ಆಗ ನಾನೇ ಮೈಲನಾಯಕನಹೊಸಹಳ್ಳಿ, ಗ್ರಾಮದ ಹರೀಶ ಎಂಬವರಿಗೆ 1000/- ರೂಗಳ ಕಮೀಷನ್ ಗೆ ಮಾರಾಟ ಮಾಡಿಸಿರುತ್ತೇನೆ. ಎಂದು ತಿಳಿಸಿದರು. ನಂತರ ನಾನು ತೌಟನಹಳ್ಳಿ ಗ್ರಾಮದ ವಾಸಿಗಳನ್ನು ವಿಚಾರ ಮಾಡಲಾಗಿ ಈ ಎರಡು ಹಸುಗಳನ್ನು ಸೌಮ್ಯರವರ ತವರು ಮನೆ ಹೊಸಕರೆಗೆ ಸಾಗಿಸಿ ನಂತರ 10-15 ದಿನಗಳ ನಂತರ ಮತ್ತೆ ತೌಟನಹಳ್ಳಿಗೆ ತರಿಸಿ ಶೇಖರವರ ಮೂಲಕ ಮಾರಾಟ ಮಾಡಿಸಿರುತ್ತಾರೆ, ಎಂದು ತಿಳಿದು ಬಂದಿರುತ್ತದೆ. ಇದಕ್ಕೆ ಶೇಖರವರೇ ಸಾಕ್ಷಿಯಾಗಿರುತ್ತಾರೆ ಹಾಗೂ ಹಸುಗಳು ನನ್ನವೆ ಎನ್ನುವುದಕ್ಕೆ ನಮ್ಮ ಗ್ರಾಮದ ವಾಸಿಗಳಾದ ಸುರೇಶ ಮತ್ತು ಬೋರಯ್ಯ ಹಾಗೂ ಶಂಕರ ರವರೇ ಸಾಕ್ಷಿಯಾಗಿರುತ್ತಾರೆ, ಆದ್ದರಿಂದ ತಾವುಗಳು ಮೇಲ್ಕಂಡವರುಗಳ ಮೇಲೆ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಂಡು ನನ್ನ ಹಸುಗಳನ್ನು ನನಗೆ ಕೊಡಿಸಿಕೊಡಬೇಕೆಂದು 02 ಹಸುಗಳ ಬೆಲೆ ಸುಮಾರು 70000/- ಆಗಿರುತ್ತದೆ. ಇತ್ಯಾದಿಯಾಗಿ ನೀಡಿದ ದೂರಿನ ಮೇರೆಗೆ."

10. The facts of the present case, present a classic illustration of the criminal justice system being pressed into service for purposes wholly alien to its object. The complainant, even as on date, is unable to assert with certainty that the cattle allegedly found after two years were indeed his. His accusation rests not upon tangible material, identifiable marks of ownership or any legally acceptable foundation, but upon little more than



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conjecture that since his cows had gone missing two years ago, the cattle now seen must necessarily be the very same animals and, by an even greater leap of imagination, must have been stolen by the petitioners. Such speculative assumptions cannot be permitted to metamorphose into criminal prosecutions.

11. What shocks the judicial conscience is not merely the unexplained delay of twenty-four months in lodging the complaint, but the utter absence of even the most rudimentary enquiry by the investigating agency before invoking the criminal process. No attempt appears to have been made to ascertain when the cows had actually gone missing, how the complainant identified the animal as his own after two years, what distinguishing features established ownership, or whether there existed any material whatsoever connecting the petitioners with the alleged occurrence. The Police, abandoning the minimum standards of investigative prudence, mechanically registered the crime and proceeded to summon the petitioners, as



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though the mere lodging of a complaint, irrespective of its inherent improbabilities, was sufficient to justify the invocation of criminal law.

(Emphasis supplied)

12. If investigations were allowed to proceed on so frail and fanciful a premise, it would amount to placing a judicial imprimatur upon suspicion masquerading as accusation and conjecture masquerading as evidence. The narrative that the cows were tethered for grazing on the evening of 18.08.2024, failed to return home, and that this alleged occurrence warranted the institution of criminal proceedings only after the lapse of two long years, is a story too tenuous to sustain the weight of criminal investigation. **To countenance such proceedings would be to place a premium upon indolence, speculation and misuse of the criminal process.** The fulcrum of the complaint does not even indicate an iota of ingredient of the offence punishable under Section 303(2) of the BNS, which deals with theft. **The case, therefore, stands as a stark reminder of how the criminal justice system**



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can itself become an instrument of harassment when the investigating agency lends its authority to allegations unsupported by even the barest objective verification. The continuation of such proceedings would constitute nothing short of an abuse of the process of law.

(Emphasis supplied)

13. For the aforesaid reasons, the following:

ORDER

- (i) The criminal petition is ***allowed***.
- (ii) The FIR against petitioners vide Crime No.47/2026 registered by the M.K.Doddi Police Station for the offence punishable under Section 303(2) of the BNS, pending on the file of learned Senior Civil Judge and JMFC Court, Channapatna, is hereby quashed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

JY
List No.: 2 Sl No.: 8